

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

American Civil Liberties of Missouri	)	
Foundation, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 2:13-cv-4223-BP
	)	
George A. Lombardi,	)	
	)	
Defendant.	)	

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**Motion for Leave to File Additional Affidavit in Support of  
Motions for Temporary Restraining Order and Preliminary Injunction**

Come now Plaintiffs and move this Court for leave to file an additional affidavit in support of their pending motions for temporary restraining order and preliminary injunction. In support, the state:

1. Plaintiffs have filed motions for a temporary restraining order and preliminary injunction seeking relief that will permit them to disclose information provided to them by the Missouri Department of Corrections that is confidential pursuant to Mo. Rev. Stat. § 546.720.
2. Upon further review of records provided to Plaintiff ACLU of Missouri Foundation by the Missouri Department of Corrections in response to Sunshine Law requests, Plaintiffs have determined that the ACLU-MO has in its possession twenty-four records provided by the Missouri Department of Corrections that identify the supplier of chemicals that will be utilized for lethal injection under the October 18, 2013, protocol, including sodium chloride and sodium pentobarbital, as well as sixteen records that may identify a person as a member or former member of the execution

team.

3. Plaintiffs propose to file an affidavit attesting to these additional facts. A copy of the affidavit is attached as an exhibit.

WHEREFORE Plaintiffs respectfully request leave to file the attached affidavit in support of their pending motions and such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Anthony E. Rothert

ANTHONY E. ROTHERT, #44827

GRANT R. DOTY, #60788

AMERICAN CIVIL LIBERTIES

UNION OF EASTERN MISSOURI

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St. Louis, Missouri 63108

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Attorneys for Plaintiffs

Certificate of Service

I certify that a copy of the foregoing was served upon defendants by placing the same in the First Class mail addressed as set forth below as set forth below on October 24, 2013:

George A. Lombardi  
2729 Plaza Drive  
Jefferson City, Missouri 65102.

In addition, a copy has been delivered by electronic mail to Mike Spillane, who has agreed to accept service in this matter.

/s/ Anthony E. Rothert